

Amendment
Serial No. 09/811,526
Attorney Docket No. 010363

REMARKS

Claims 1-15 are pending in the present application. By this Amendment, claims 1 - 4, 7 - 9, 11, 13 and 15 have been amended. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the outstanding Office Action dated December 28, 2006.

As to The Merits:

As to the merits of this case, the Examiner relies on the newly cited reference of Suzuki et al. (U.S. Patent No. 7,139,414) in setting forth the following rejections:

- 1) claims 1-3, 7-9 and 13-15 stand rejected under 35 U.S.C. §102(a) as being anticipated by Suzuki et al.;
- 2) claims 4, 5, 10 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki et al. in view of Bradney et al. (U.S. Patent No. 6,208,264, of record);
and
- 3) claims 6 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki et al. in view of Gainey (U.S. Patent No. 6,382,416, of record).

Each of these rejections is respectfully traversed.

Independent claim 1, as amended, now calls for *wherein the cover has one free end and another base end and is moved between the open and end closed positions,...wherein said*

contact section is disposed in a recess surrounded by an inclined portion and said one free end of the cover is adjacent to said inclined portion when it is in the closed position. Independent claims 7, 13 and 15, as amended, include similar features.

Independent claim 3, as amended, now calls for *wherein said recess is surrounded by an inclined portion and said one free end of the cover is adjacent to said inclined portion when it is in the closed position.* Independent claims 4 and 9, as amended, include similar features.

For example, as discussed on page 10, line 27 through page 11, line 2 of the present application, when the cover section 30 is closed, it completely covers the sensor glass face 11. Therefore, in order to open the cover section 30 an operator's finger is hooked on the free end side 31 of the cover section 30. There is provided a gently inclined section 12 adjacent to the free end side 31, and also there is provided a recess section 13 in the inclined section 12.

In Suzuki et al., Fig. 4 illustrates a cross-sectional view of the data terminal 1 when the cover 7 is closed. However, from Fig. 4, it is clear that the plate 6 is not disposed in a recess surrounded by an inclined portion and the free end of the cover 7 is not adjacent to the same inclined portion.

As such, it is respectfully submitted that Suzuki et al. fails to disclose or fairly suggest the feature of claim 1, as amended, concerning *wherein the cover has one free end and another base*

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end and is moved between the open and end closed positions, ...wherein said contact section is disposed in a recess surrounded by an inclined portion and said one free end of the cover is adjacent to said inclined portion when it is in the closed position.

Similarly, it is respectfully submitted that Suzuki et al. fails to disclose or fairly suggest the feature of claim 3, as amended, concerning *wherein said recess is surrounded by an inclined portion and said one free end of the cover is adjacent to said inclined portion when it is in the closed position.*

Finally, it is submitted that neither of the secondary references of Bradney et al. and Gainey disclose or fairly suggest the above-noted drawback and deficiencies of Suzuki et al.

In view of the aforementioned amendments and accompanying remarks, Applicants submits that that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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